



Atty. Dkt. No. 030231-0158

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Adel PENHASI et al.  
Title: PHARMACEUTICAL  
COMPOSITIONS CONTAINING  
VENLAFAXINE  
Appl. No.: 10/532,407  
International Filing Date: 10/23/2003  
371(c) Date:  
Examiner: Nissa M. WESTERBERG  
Art Unit: 1618  
Confirmation Number: 9132

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Dexcel Pharma Technologies, Ltd., having its principal place of business at P.O.B. 23950, Jerusalem 91237, Israel, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/532,407, filed 10/23/2003, which is a continuation of U.S. Patent Application No. PCT/IL2003/00862, filed 10/23/2003, by virtue of an Assignment filed and recorded on 12/2/2005, on Reel/Frame 017085/0825, in the United States Patent and Trademark Office, as evidence by APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,703,044, which issued on U.S. Patent Application No. 10/280,084, filed October 25, 2002, by virtue of an Assignment filed and recorded on March 6, 2003, on Reel/Frame 013819/0076, in the United States Patent and Trademark Office, as evidence by APPENDIX B.

12/10/2008 EFLORES 00000035 10532407

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Your Petitioner, Dexcel Pharma Technologies, Ltd., hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,703,044, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,703,044 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,703,044 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,703,044 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,703,044 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 6,703,044, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignments attached as APPENDICES A and B, and to the best of his knowledge and belief, legal title to the above identified patent application and U.S. Patent 6,703,044 rests with Petitioners, Dexcel Pharma Technologies, Ltd.. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on

information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date December 8, 2005

By Richard C. Peet

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Richard C. Peet  
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## **APPENDIX A**



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## Assignments on the Web &gt; Patent Query

## Patent Assignment Abstract of Title

**NOTE: Results display only for issued patents and published applications.  
For pending or abandoned applications please consult USPTO staff.**

## Total Assignments: 1

Patent #: NONE

Issue Dt:

Application #: 10532407

Filing Dt: 04/22/2005

Publication #: 20060057204

Pub Dt: 03/16/2006

Inventors: Adel Penhasi, Mila Gomberg, Avi Avramoff

Title: Pharmaceutical compositions containing venlafaxine

## Assignment: 1

Reel/Frame: 017085/0825

Recorded: 12/02/2005

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: PENHASI, ADEL

Exec Dt: 10/16/2005

GOMBERG, MILA

Exec Dt: 10/11/2005

AVRAMOFF, AVI

Exec Dt: 10/11/2005

Assignee: DEXCEL PHARMA TECHNOLOGIES, LTD.

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## **APPENDIX B**



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## Patent Assignment Abstract of Title

***NOTE: Results display only for issued patents and published applications.  
For pending or abandoned applications please consult USPTO staff.***

## Total Assignments: 1

Patent #: [6703044](#)

Issue Dt: 03/09/2004

Application #: 10280084

Filing Dt: 10/25/2002

Inventors: Adel Pinhasi, Mila Gomberg, Avi Avramoff

Title: VENLAFAXINE FORMULATIONS

## Assignment: 1

Reel/Frame: [Q13819/0076](#)

Recorded: 03/06/2003

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: [PINHASI, ADEL](#)

Exec Dt: 01/29/2003

[GOMBERG, MILA](#)

Exec Dt: 01/29/2003

[AVRAMOFF, AVI](#)

Exec Dt: 01/29/2003

Assignee: [DEXCEL PHARMA TECHNOLOGIES, LTD.](#)

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